IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 15393 of 1994

Between:

P. Damodar Reddy S/o Srinivas Reddy
R/o Kalwakurthy Mahaboobnagar Dist.

..... PETITIONER

AND

1 The Director of School Education, A.P. Hyderabad.
2 The District Educational Officer, Mahaboobnagar District and Member-Convenor, Recruitment of Teachers (DSC), Mahaboobnagar.
3 The District Collector and Chairman District Selection Committee, Mahaboobnagar District.
4 The Head Master, Zilla Praja Parishad High School, Kalwa kurthy, Mahaboobnagar District.
* The petition against R-1 and R-4 is dismissed for default vide court order dt 20/6/01

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction more particularly one in the nature of Writ of Mandamus directing the Respondents to correct the date of birth of the petitioner as 6-5-1959 from 6-5-1956, after calling for the records.

Counsel for the Petitioner:MR.C.DAMODHAR REDDY

Counsel for the Respondents 2 & 3.: GP FOR EDUCATION

Petition against R-1 and R-4 is dismissed for default as per Cause title.

The Court made the following :

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION NO.15393 OF 1994

ORAL ORDER:

This writ petition is filed seeking a Writ of Mandamus directing the respondents to correct the date of birth of the petitioner as 06-05-1959 instead of 06-05-1956.

The case of the petitioner is that he was born on 6.5.1959 and at the time of his admission in Zilla Praza Parishad High School, Kalwakurthy, his date of birth was recorded as 06-05-1959. It is stated that by mistake, the school authorities wrongly carried out his date of birth as 6.5.1956 in the Secondary School Certificate and subsequently in all the concerned records and certificates and he did not notice the same. The petitioner claims that he noticed the wrong entry of his date of birth as 06-05-1956 only in the year 1988 and immediately on 08-08-1988 he submitted an application to the Head Master, Zilla Praja Parishad High School, Kalwakurthy requesting for correction of his date of birth as 06-05-1959 who, in turn forwarded the said application along with admission form and the true extract of the Admission Register to the 2nd respondent - District Educational Officer, Mahaboobnagar District. However, no further steps were taken in spite of several requests made by the petitioner. Thereafter, the petitioner has filed C.D.No.149 of 1991 before the District Forum, Mahaboobnagar seeking a direction for correction of his date of birth in which the District Forum, Mahaboobnagar passed orders directing the 2nd respondent to correct the date of birth of the petitioner within one month. The

grievance of the petitioner is that in spite of the same, the correction has not been carried out. It is pleaded that when a notification for recruitment of teachers through D.S.C. was issued in the year 1994 the petitioner submitted his application, but the same was rejected on the ground that he was over-aged. It is claimed that had his date of birth been corrected as 6.5.1959, he would have been considered for recruitment. Hence, the present writ petition.

Though no counter-affidavit has been filed on behalf of the respondents, the learned Government pleader appearing for the respondents 2 and 3 has placed before this Court G.O.Ms.No.430, Education (EE.I) Department, dated 31.12.1992 and contended that any request for alteration of date of birth made after three years from the date of completion of SSLC/HSC/SSC shall not be entertained. Rule 11 of the Rules issued in G.O.Ms.No.1263, Education Department, dated 6.5.1961 as amended by G.O.Ms.No.430, dated 31-12-1992 runs as under :

> *"The Director of School Education is empowered to entertain and effect corrections or alterations in respect of the applications for correction or alteration of the date of birth in completed certificates of SSLC/HSC/ H.S.(M)C/SSC. However, no application for such correction/alteration of date of birth in the said completed certificates shall be entertained after a period of three years from the date of completion of the said course."*

As can be seen from the above rule, any candidate who seeks correction or alteration of his date of birth in the completed certificates of SSLC/HSC/H.S(M)C/SSC is required to make the application within a period of three years from the date of completion of the said course. If it is beyond the said period, the same cannot be entertained.

In the case on hand, nothing has been placed before this Court to show that the petitioner has made such application within the prescribed period of three years. Even in the affidavit, the petitioner has not furnished the date on which he passed S.S.C. Hence the only presumption that can be drawn is that the application was made beyond 3 years. In the circumstances, the respondents cannot be found fault with in not considering his request. Therefore, I do not find any merit in the writ

petition and the relief sought for cannot be granted.

Accordingly, the Writ Petition is dismissed. No costs.

1st July, 2004

ASSISTANT REGISTRAR

Copy to :

1. The Director of School Education, A.P. Hyderabad.
2. The District Educational Officer, Mahaboobnagar District and Member Convenor, Recruitment of Teachers (DSC), Mahaboobnagar.
3. The District Collector and Chairman District Selection Committee, Mahaboobnagar District.
4. The Head Master, Zilla Praja Parishad High School, Kalwa kurthy,Mahaboobnagar-District.

Nn/Gbs.